

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
KEITH FAGAN,

Petitioner,

-against-

SUPERINTENDENT, EASTERN NY
CORRECTIONAL FACILITY,

Respondent.

ANALISA TORRES, District Judge:

USDC SDNY
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20 Civ. 7389 (AT) (SN)

ORDER

Having received no objections¹ to the Report & Recommendation (the “R&R”), ECF No. 17, of the Honorable Sarah Netburn, the Court reviewed the R&R for clear error, and found none. *Santiago v. Colvin*, 12 Civ. 7052, 2014 WL 1092967, at *1 (S.D.N.Y. Mar. 17, 2014).

The Court, therefore, ADOPTS the R&R in its entirety. Accordingly, Petitioner’s petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is DISMISSED. Because Petitioner makes no substantial showing of a denial of a constitutional right, no certificate of appealability shall be issued. *See* 28 U.S.C. § 2253. In addition, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and, therefore, *in forma pauperis* status should be denied for the purpose of any appeal.

The Clerk of Court is directed to mail a copy of this order to Petitioner *pro se* and close the case.

SO ORDERED.

Dated: May 17, 2022
New York, New York



ANALISA TORRES
United States District Judge

¹ Although the Court received a “response” to the R&R from Respondent, *see* ECF No. 18, this response merely encourages the Court to adopt the R&R, and the Court, accordingly, does not construe it to be an “objection.”